

Senate File 516 - Introduced

SENATE FILE _____
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 287)

(COMPANION TO HF 650 BY COMMITTEE
ON STATE GOVERNMENT)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the sales of beer kegs by requiring an
2 identification number on each keg of beer, recording of the
3 purchase of beer by the keg, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1029SV 82
6 ec/sh/8

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1 1 Section 1. Section 123.50, subsection 1, Code 2007, is
1 2 amended to read as follows:
1 3 1. Any person who violates any of the provisions of
1 4 section 123.49, except subsection 2, paragraph "h", or who
1 5 fails to affix upon sale, defaces, or fails to record a keg
1 6 identification sticker or produce a record of keg
1 7 identification stickers pursuant to section 123.138, shall be
1 8 guilty of a simple misdemeanor. A person who violates section
1 9 123.49, subsection 2, paragraph "h", commits a simple
1 10 misdemeanor punishable as a scheduled violation under section
1 11 805.8C, subsection 2.

1 12 Sec. 2. Section 123.138, Code 2007, is amended to read as
1 13 follows:

1 14 123.138 BOOKS OF ACCOUNT REQUIRED == KEG IDENTIFICATION
1 15 STICKER.

1 16 1. Each class "A" or special class "A" permittee shall
1 17 keep proper books of account and records showing the amount of
1 18 beer sold by the permittee, and these books of account shall
1 19 be at all times open to inspection by the administrator and to
1 20 other persons pursuant to section 123.30, subsection 1. Each
1 21 class "B" and class "C" permittee shall keep proper books of
1 22 account and records showing each purchase of beer made by the
1 23 permittee, and the date and the amount of each purchase and
1 24 the name of the person from whom each purchase was made, which
1 25 books of account and records shall be open to inspection
1 26 pursuant to section 123.30, subsection 1, during normal
1 27 business hours of the permittee.

1 28 2. a. Each class "B", "C", or special class "C" liquor
1 29 control licensee and class "B" or "C" beer permittee who sells
1 30 beer for off-premises consumption shall affix to each keg of
1 31 beer an identification sticker provided by the administrator.

1 32 The sticker provided shall allow for its full removal when
1 33 common external keg cleaning procedures are performed. For
1 34 the purposes of this subsection, "keg" means all durable and
1 35 disposable containers with a liquid capacity of five gallons
2 1 or more. Each class "B", "C", or special class "C" liquor
2 2 control licensee and class "B" or "C" beer permittee shall
2 3 also keep a record of the identification sticker number of
2 4 each keg of beer sold by the licensee or permittee with the
2 5 name and address of the purchaser and the number of the
2 6 purchaser's driver's license, nonoperator's identification
2 7 card, or military identification card, if the military
2 8 identification card contains a picture and signature. This
2 9 information shall be retained by the licensee or permittee for
2 10 a minimum of ninety days. The records kept pursuant to this
2 11 subsection shall be available for inspection by any law
2 12 enforcement officer during normal business hours.

2 13 b. The division shall provide the keg identification
2 14 stickers described in paragraph "a" and shall, prior to

2 15 utilizing a sticker, notify licensed brewers and licensed beer
2 16 importers of the type of sticker to be utilized. Each sticker
2 17 shall contain a number and the following statement: "It is
2 18 unlawful to sell, give, or otherwise supply any alcoholic
2 19 beverage, wine, or beer to any person under legal age. Any
2 20 person who defaces this sticker shall be guilty of criminal
2 21 mischief punishable pursuant to section 716.6 and shall cause
2 22 the forfeiture of any deposit, if applicable." The
2 23 identification sticker shall be placed on the keg at the time
2 24 of retail sale. The licensee or permittee shall purchase the
2 25 stickers referred to in this subsection from the division and
2 26 shall remit to the division deposits forfeited pursuant to
2 27 this lettered paragraph due to defacement. The cost of the
2 28 stickers to licensees and permittees shall not exceed the
2 29 division's cost of producing and distributing the stickers.
2 30 The moneys collected by the division relating to the sale of
2 31 stickers and forfeited deposits shall be credited to the beer
2 32 and liquor control fund.

2 33 c. The provisions of this subsection shall preempt any
2 34 local county or municipal ordinance regarding keg
2 35 identification labeling to insure that enforcement of this
3 1 subsection shall be implemented uniformly throughout the
3 2 state. For purposes of uniform implementation, a county or
3 3 municipality shall not set requirements or establish a penalty
3 4 which is higher or more stringent than the requirements or
3 5 penalties enumerated in this subsection, section 123.50, and
3 6 section 716.6. The division shall establish by rule
3 7 procedures relating to the forfeiture and remittance of
3 8 deposits pursuant to paragraph "b".

3 9 EXPLANATION

3 10 This bill provides that specified liquor control licensees
3 11 and beer permittees who sell beer for off-premises consumption
3 12 shall affix to each keg of beer an identification sticker
3 13 provided by the administrator of the alcoholic beverages
3 14 division of the department of commerce. The bill provides
3 15 that a "keg" of beer shall refer to all durable and disposable
3 16 containers with a liquid capacity of five gallons or more.

3 17 The bill also provides that each of the specified licensees
3 18 and permittees shall keep a record of the identification
3 19 sticker number of each keg of beer sold by the licensee or
3 20 permittee with the name and address of the purchaser and the
3 21 number of the purchaser's driver's license, nonoperator's
3 22 identification card, or military identification card. The
3 23 bill provides that this information shall be retained for a
3 24 minimum of 90 days, and shall be available for inspection by
3 25 any law enforcement officer during normal business hours. The
3 26 bill provides that the identification sticker shall be affixed
3 27 to the keg at the time of the retail sale.

3 28 The bill provides that the alcoholic beverages division
3 29 shall provide the keg identification stickers, and that each
3 30 sticker shall display an identification number and a statement
3 31 that it is unlawful to sell, give, or otherwise supply any
3 32 alcoholic beverage, wine, or beer to any person under legal
3 33 age, and that any person who defaces the sticker shall be
3 34 guilty of criminal mischief and shall forfeit a deposit, if
3 35 applicable. The bill also provides that the sticker provided
4 1 shall allow for its full removal when common keg cleaning
4 2 procedures are performed and that the division notify beer
4 3 importers and brewers of the type of sticker to be used. The
4 4 bill provides that the licensee or permittee shall purchase
4 5 the stickers from the division, that the licensee or permittee
4 6 shall be authorized to retain a forfeited deposit, that the
4 7 cost of the stickers shall not exceed the division's
4 8 production and distribution cost, and that the moneys
4 9 collected by the division from the sale of the stickers or
4 10 from forfeited deposits shall be credited to the beer and
4 11 liquor control fund.

4 12 The bill provides that penalty provisions contained in Code
4 13 section 123.50, regarding violations being punishable as a
4 14 simple misdemeanor, shall be applicable to a licensee or
4 15 permittee who fails to affix upon sale, defaces, or fails to
4 16 record a keg identification sticker or produce a record of keg
4 17 identification stickers. The bill provides that the
4 18 provisions of the bill shall preempt any local county or
4 19 municipal ordinance regarding keg identification and shall be
4 20 enforced and implemented uniformly across the state, and that
4 21 a county or municipality shall not set requirements or
4 22 establish a penalty which is higher or more stringent than the
4 23 requirements or penalty provisions made applicable in Code
4 24 section 123.50 or 716.6.

